



U.S. Department of Justice

United States District Court  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 9/3/2021

September 2, 2021

**BY ECF**

The Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Cholo Abdi Abdullah*, 20 Cr. 677 (AT)**

Dear Judge Torres:

The parties write pursuant to the Court's June 3, 2021 order directing the parties to provide a status update to the Court.

Since the parties' last update to the Court, the Government has produced additional unclassified Rule 16 and Rule 5(f) discovery to the defendant, and production of that discovery is largely complete. The Government will continue to produce new material, such as recordings of the defendant's prison calls, as it is received. The Government continues to obtain and review additional material pertaining to the defendant's co-conspirators, the investigation of whom remains ongoing. The Government has already produced all of the defendant's communications with co-conspirators, as well as other materials containing co-conspirator statements the Government may seek to offer pursuant to Federal Rule of Evidence 802(d)(2)(E), and the Government will continue to produce promptly and on a rolling basis any further information regarding co-conspirators the Government would seek to use in its case-in-chief at trial or that would otherwise be relevant under Federal Rule of Evidence 806. With respect to classified discovery, as previously noted, the Government expects to file in this case a motion pursuant to Section 4 of the Classified Information Procedures Act, and the Government does not expect to make any further productions of classified discovery prior to that motion.

Defense counsel is continuing to review the discovery provided by the Government to date, and to discuss it with the defendant pursuant to the procedures established with the U.S. Marshals Service and the CISO. There has been an interruption in the defendant's ability to review the discovery. Since the end of July 2021, the laptop that was prepared for him has not been functioning. We are attempting to diagnose the problem and make a repair, or if a repair is not possible we will secure and prepare a new laptop for the defendant's use.

Honorable Analisa Torres

September 2, 2021

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In addition, the parties understand that, due to the impending closure of the Metropolitan Correctional Center where the defendant is currently housed, the defendant is likely to be relocated in the near future. It is unclear what, if any, effect the defendant's move will have on his ability to review discovery or meet with counsel. Accordingly, the parties jointly propose to provide the Court with an additional status update by October 29, 2021, once that situation is hopefully resolved. The Government further requests, with the consent of the defendant, that time be excluded in the interests of justice under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), until October 29, 2021, due to the complex nature of the prosecution in this case and to provide the defendant with additional time to review discovery and consider the need for any potential pretrial motions.

Respectfully submitted,

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By:                     /s/                      
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Cc: Defense Counsel (by ECF)

GRANTED. By **October 29, 2021**, the parties shall provide the Court with a status update concerning the status of discovery.

Time until October 29, 2021, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161 (h)(7), because the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial in that this will allow for Defendant to continue reviewing discovery.

SO ORDERED.

Dated: September 3, 2021  
New York, New York

  
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ANALISA TORRES  
United States District Judge